APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,364	03/16/2004	Nigel King	021756-002400US	9242

51206   7590   02/05/2009
TOWNSEND AND TOWNSEND AND CREW LLP
TWO EMBARCADERO CENTER
8TH FLOOR
SAN FRANCISCO, CA 94111-3834

EXAMINER
EVANS, KIMBERLY L

ART UNIT	PAPER NUMBER
3629	

MAIL DATE	DELIVERY MODE
02/05/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
	10/804,364	KING ET AL.
Office Action Summary	Examiner	Art Unit	
	KIMBERLY EVANS	3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>12/15/08</u>.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-14</u> is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) <u>1-14</u> is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on <u>16 March 2004</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date <u>1/7/09;10/24/08</u>.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application
6)☐ Other: _____ .

DETAILED ACTION

Response to Amendments

1. This action is in reply to the response filed on December 15, 2008.

2. Acknowledgement is made that the applicant has added new claims 13 and 14.

3. Claims 1 and 3-14 are currently pending and have been examined.

Information Disclosure Statement

4. The Information Disclosure Statements filed on October 24, 2008 and January 7, 2009 has been considered. An initialed copy of the Form 1449 is enclosed herewith.

Double Patenting

5. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re*

Van Ornum, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ

619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

6. A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to

overcome an actual or provisional rejection based on a nonstatutory double patenting ground

provided the conflicting application or patent either is shown to be commonly owned with this

application, or claims an invention made as a result of activities undertaken within the scope of a

joint research agreement.

7. Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer.

A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

8. Claims 1 and 5 are provisionally rejected on the ground of nonstatutory obviousness-type double

patenting as being unpatentable over claim 1 of copending Application No. 10/946146. Although

the conflicting claims are not identical, they are not patentably distinct from each other because

both '146 and '364 disclose a storage component configured to store a set of business processes

describing the operations of an enterprise, each business process including one or more

business functions, each business function being assigned to one or more employees in a set of

employees; a compatibility registry including a set of business function incompatibilities, each

business function incompatibility identifying business functions that should not be assigned to an

employee; and a processing component communicating with the storage component. While the

compatibility register in '146 further discloses associating a risk with each business function

incompatibility, it would have been obvious to one ordinary skilled in the art to identify the risk(s)

associated with the business function incompatibility. The last limitation of Claim 1 ('364)

discloses "creating a report" and the last limitation of claim 1, application '146 discloses "creating

an alert", "...the processing component is configured to identify at least one employee being

simultaneously assigned to business functions that are identified as incompatible as per the

business function incompatibility via a report ('364) or an alert ('146)..." Hence, the function of

the processing component while not identical, are not patentably distinct from one another. This

is a <u>provisional</u> obviousness-type double patenting rejection because the conflicting claims have

not in fact been patented. Dependent claim 5 of '364 is provisionally rejected on the ground of

nonstatutory obviousness-type double patenting as being unpatentable over dependent claim 13,

of copending application '146. Claim 5 ('364) and claim 13 ('146) disclose "...an audit system

with a storage component configured to store a business process library having a plurality of

business processes..." While claim 13 ('146) further discloses "describing the operations of the

enterprise" it is inherited that the business processes describe the operations of an enterprise.

While the two claims are not identical, they are not patentably distinct from one another.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

    rejections set forth in this Office action:

    A patent may not be obtained though the invention is not identically disclosed or described as set

    forth in section 102 of this title, if the differences between the subject matter sought to be

    patented and the prior art are such that the subject matter as a whole would have been obvious

    at the time the invention was made to a person having ordinary skill in the art to which said

    subject matter pertains. Patentability shall not be negatived by the manner in which the invention

    was made.

10. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966),

    that are applied for establishing a background for determining obviousness under 35

    U.S.C. 103(a) are summarized as follows:

    a. Determining the scope and contents of the prior art.

    b. Ascertaining the differences between the prior art and the claims at issue.

    c. Resolving the level of ordinary skill in the pertinent art.

    d. Considering objective evidence present in the application indicating obviousness or nonobviousness.

11. Claims 1, 3, and 5-13 are rejected as being unpatentable over Blocher et al., US Patent Application No US 2002/0194059 A1, in view of The Internal Auditor, Segregation of duties in ERP, October 2003., Vol. 60, Iss. 5, pg. 27, Susan S. Lightle, Cynthia Waller Valrio; herein referred to as "Lightle".

12. With respect to Claim 1,

Blocher as shown discloses the following limitations:

- *a storage component configured to store:* (see at least Figure 1, paragraph 47: "...The computer system 10 generally comprises memory 12, input/output interfaces 14, a central processing unit (CPU) 16, external devices/resources 18, bus 20, and database 32. Memory 12 may comprise any known type of data storage and/or transmission media, including magnetic media, optical media, random access memory (RAM), read-only memory (ROM), a data cache, a data object, etc. Moreover, memory 12 may reside at a single physical location, comprising one or more types of data storage, or be distributed across a plurality of physical systems in various forms...")

- *a set of business processes describing the operations of an enterprise; each business process including one or more business functions,* (see at least paragraph 36: ..." Business Process--a set of steps followed to perform a business function...."; paragraph 55: "...Once the process is provided, any risks therein should be identified. Each identified risk represents a control point that should be addressed..."; paragraph 56: "...The set of tests and set of actions comprise control point information. Along with other pertinent information, this information is arranged in a template 26 and stored in database 32...")

- *at least one processing component in communication with the storage component,* (see at least Figure 1, paragraph 47: "...The computer system 10 generally comprises memory 12, input/output interfaces 14, a central processing unit (CPU) 16, external devices/resources 18, bus 20, and database 32. Memory 12 may comprise any known type of data storage and/or transmission media, including magnetic media, optical media, random access memory (RAM), read-only memory (ROM), a data cache, a data object, etc. Moreover, memory 12 may reside at a single physical location, comprising one or more types of data storage, or be distributed across a plurality of physical systems in various forms. CPU 16 may likewise comprise a single processing unit, or be distributed across one or more processing units in one or more locations, e.g., on a client and server..." ; paragraph 49: "...Database 32 provides storage for arranged templates 26. Information arranged in a template could include, inter alia: (1) a business process; (2) a set of tests designed to identify risks in the business process; and (3) a set of actions designed to address the identified risks. In addition, once stored in database 32, reviewers and/or auditors 34 could access templates 26..."; paragraph 52: "...Computer program, software program, program, or software, in the present context mean any expression, in any language, code or notation, of a set of instructions intended to cause a system having an information processing capability to perform a particular function either directly or after either or both of the following: (a) conversion to another language, code or notation; and/or (b) reproduction in a different material form...")

Blocher discloses all of the limitations described above. Blocher does not disclose the following limitation, but "Lightle" however, as shown discloses:

- *each business function being assigned to one or more employees in a set of employees* (see at least page 3, paragraph 15: "...an ERP based system electronically segregates duties by assigning user authorizations according to the types of transactions each user can perform..."; page 1, paragraph 2: "...SOD controls are designed to ensure that no single individual inappropriately handles all aspects of a transaction or business process..."

paragraph 5: "...the auditors also helped develop the user authorization request and approval process by talking directly with business process owners to review individual job responsibilities and investigate the rationale behind any dual assignments...";

- *a compatibility registry including a set of business function incompatibilities,* (see at least paragraph 7: "...the consultants provided their own proprietary SOD analysis tool..."; paragraph 8: "...the tool contained a matrix showing tasks that should not be combined..."; paragraph 9: "...the tool enabled them to test user authorizations against SOD conflicts at the basic level of specific transaction assignments...")

- *each business function incompatibility identifying at least two business functions that should not be simultaneously assigned to a single employee* (see at least page 2, paragraph 7: "...the consultants provided their own proprietary SOD analysis internal audit tool..."; paragraph 8: "... the tool contained a matrix showing tasks that should not be combined, based on traditional SOD concepts and client experiences....customized the software's matrix, adding some conflicts and deleting others based on Mead's control philosophy and business process design...")

- *the at least one processing component being configured to compare at least one business function incompatibility in the compatibility registry with the business functions assigned to each employee in the set of employees;* (see at least page 2, paragraph 8: "...the tool contained a matrix showing tasks that should not be combined..."; paragraph 9: "...the tool enabled them to test user authorizations against SOD conflicts at the basic level of specific transaction assignments and to generate a report that listed potential conflicts by user group..."; paragraph 10: "...once the software generated it's report, the next step was to analyze and confirm whether any of the identified conflicts were, in fact a concern...the internal audit team reviewed the list and assessed each item..."; page 3, paragraph 15: "...these built-in SOD controls prevent any individual user from being assigned to conflicting transactions...the electronic system segregates authorization to initiate a transaction...")

- *create a report identifying at least one employee in the set of employees that is simultaneously assigned to business functions that are identified as incompatible as per the at least one business function incompatibility.* (see at least page 2, paragraph 9: "…using the new software, they were able to generate automated SOD reports….that listed potential conflicts by user group…")

It would have been obvious to one skilled in the art at the time of the invention to combine the system of Blocher with the SOD analysis tool of Lightle because the SOD tool is a cost-effective technology that internal auditors could use for identifying conflicting assignments with minimal assistance while not slowing down system operations throughout the organization.

13. With respect to Claim 3,

   Blocher, and Lightle disclose all of the limitations described above, Lightle further discloses,

   - *the report further includes an identification of the at least one business function incompatibility* (see at least page 2, paragraph 9: "…using the new software, they were able to generate automated SOD reports….that listed potential conflicts by user group…"; paragraph 10: "…once the software generated its report, the next step was to analyze and confirm whether any of the identified conflicts were, in fact a concern…")

   It would have been obvious to one skilled in the art at the time of the invention to combine the system of Blocher with the SOD analysis tool of Lightle because the automated SOD reports are an efficient means for identifying and reporting conflicting assignments expeditiously.

14. With respect to Claim 5,

   Blocher, and Lightle disclose all of the limitations described above, Blocher further discloses,

   - *wherein the storage component is further configured to store a business process library having a plurality of business processes, wherein the set of business processes is a subset of the plurality of business processes of the business process library* (see at least Figures 1-7,

paragraph 49: "...Stored in memory 12 is review system 22 (shown in FIG. 1 as a software product). Review system 22... generally comprises an interface 24 for inputting business process and/or control point information, and templates 26 for arranging the inputted information in a standard format. Database 32 provides storage for arranged templates 26. Information arranged in a template could include, inter alia: (1) a business process; (2) a set of tests designed to identify risks in the business process; and (3) a set of actions designed to address the identified risks. In addition, once stored in database 32, reviewers and/or auditors 34 could access templates 26. Database 32 may comprise one or more storage devices, such as a magnetic disk drive or an optical disk drive...."; paragraph 50: "...Templates 26 are forms that allow all pertinent business process and/or control point information to be arranged in a standard format and stored so that reviewers 28 and/or auditors 34 can efficiently and accurately access the same..."; paragraph 59: "...each time a new business process is created or an existing business process is modified, a new review is conducted and information is arranged in a template. It should be appreciated that the template shown in FIGS. 2-7 is preferably completed as an electronic document on the computer system via the interface. However, it should be understood that template could be completed as a hardcopy and scanned into the computer system via external devices for storage in the database...")

15. With respect to Claim 6,

Blocher and Lightle disclose all of the limitations described above, Blocher further discloses,

- *the business process library includes a plurality of business function incompatibilities corresponding to at least a portion of the plurality of business processes, each business function incompatibility identifying at least two business functions that should not be simultaneously assigned to a single employee* (see at least ...paragraph 63: "...FIG. 5 depicts a fourth page 130 of the template that includes purpose section 132, and control point procedure section 134. Purpose section 132 allows the control point author to state the

identified risk or control point. For example, purpose field 132 might indicate, "individuals approving payments are signing checks." Control point procedure section 134 includes information access field 136 and control point process field 138. Information access field 136 indicates where information pertinent to the control point can be obtained. For example, information access field 136 could indicate where the employee identification numbers could be found. Preferably, information access field 136 includes a hypertext link(s) that allows direct access to pertinent information. Control point process field 138 includes a test field 140 for arranging the set of tests to be performed on the business process for identifying risks. For example, test field 140 could indicate the tests: (1) compare identification number of individual approving payment to identification number of individual signing the check; and (2) compare name of individual approving payment to name of individual signing the check. As state above, the set of tests could include one or more tests. Accordingly, test field 140 allows for many tests to be indicated. Test execution field 142 is for arranging the test entity responsible for carrying out the indicated set of tests. This could be indicated based on particular individuals, management levels, etc. As indicated above, the test entity can be one individual, a group of individuals, or an expert system. Moreover, one test entity need not be responsible for carrying out the entire set of tests. For example, each test in the set could have a different executing entity...")

16. With respect to Claim 7,

Blocher and Lightle disclose all of the above limitations, Lightle further discloses,

- *at least one processing component is further configured to receive a selection from an auditor of a business process from the business process library and, in response to the selection, add the business process to the set of business processes describing the operations of the enterprise and add at least one business function incompatibility to the process compatibility registry.*(see at least page 2, paragraph 8: "...the internal audit staff, with the help of the consultant, customized the software's matrix, adding some conflicts and deleting others...";

paragraph 11: "...the development of the matrix of SOD conflicts is an ongoing audit operation...."; paragraph 12: "...as tasks evolve and employees come and go, transaction codes may be added and deleted, and user profiles may be created or changed, potentially introducing new conflicts...")

It would have been obvious to one skilled in the art at the time of the invention to combine the system of Blocher with the SOD analysis software of Lightle because the SOD matrix is an efficient tool for ensuring that no single individual inappropriately handles all aspects of a transaction or business process and for identifying of any potential conflicts.

17. With respect to Claims 8-11,

Blocher and Lightle disclose all of the above limitations, Blocher further discloses,

- *an employee in the set of employees is assigned to a new business function wherein the at least one processing component is further configured to create an alert in response to the new business function matching at least one business function incompatibility;* (see at least Figure 6: "...Exception field 152 includes an action field 154 for arranging the set of actions (i.e., one or more) to be taken to address an identified risk. For the example above, an exemplary action could be to "notify internal auditing." It should be appreciated, however, that since the review could be made before, during, or after a business process has actually occurred, addressing a risk could mean preventing or correcting a problem. Action execution field 156 allows an action entity to be designated for carrying out the set of actions. Similar to the above-described test execution field 142 of FIG. 5, the action entity could be an individual, group of individuals, or an expert system. Moreover, any quantity of action entities could be indicated...")

- *the alert is communicated to an auditor* (see at least paragraph 4: "...a possible action to address this risk could be to inform corporate auditors..."; paragraph 8: "...In addition, the present invention provides a template and method for arranging information pertaining to

each control point. By using the method and template of the present invention, reviewers, auditors, or the like are provided with a complete resource for accurately and efficiently performing their duties…"; paragraph 55: "…Once a control point/risk is identified, a set of actions could be proposed and/or implemented to address the risk. A possible action for the above example could be to notify internal auditing…")

- *the alert includes an identification of the employee assigned to the new business function*

- *the alert includes an identification of the at least one business function incompatibility matching the new business function* (see at least paragraph 55: "…Once the process is provided, any risks therein should be identified. Each identified risk represents a control point that should be addressed. Preferably, a review is conducted each time a new business process is created, or an existing business process is modified. A possible risk with the invoice business process could be if the individual approving payment is also authorized to sign the check. To identify whether this risk has occurred (or will occur), a set of tests or checks is performed on the business process. The set of tests are performed by a test entity (i.e., an individual, group of individuals, or an expert system). An example of a test could be to compare the identification of the individual approving payment to the identification of the individual signing the check. For example, if employee number "123" of XZY, Inc. approved payment of invoice "456" and also signed the check, the risk exists and a control point is identified. Once a control point/risk is identified, a set of actions could be proposed and/or implemented to address the risk. A possible action for the above example could be to notify internal auditing…")

18. With respect to Claim 12,

Blocher and Lightle disclose all of the above limitations, Lightle further discloses:

- *at least one processing component is further configured to prevent the assignment of another new business function to the employee in response to the new business function matching the at least one business function incompatibility.* (see at at least page 3, paragraph 15: "…these built-in SOD controls prevent any individual user from being assigned to conflicting transactions…")

19. With respect to Claim 13,

Blocher discloses the following limitations,

- *a storage component configured to store:* (see at least Figure 1, paragraph 47: "…The computer system 10 generally comprises memory 12, input/output interfaces 14, a central processing unit (CPU) 16, external devices/resources 18, bus 20, and database 32. Memory 12 may comprise any known type of data storage and/or transmission media, including magnetic media, optical media, random access memory (RAM), read-only memory (ROM), a data cache, a data object, etc. Moreover, memory 12 may reside at a single physical location, comprising one or more types of data storage, or be distributed across a plurality of physical systems in various forms…")

- *a business process library comprising a plurality of business processes, each business process including one or more business functions, each business function being associated with a list of one or more other business functions that are incompatible with said each business function;* (see at least Figures 1-7, paragraph 49: "…Stored in memory 12 is review system 22 (shown in FIG. 1 as a software product). Review system 22… generally comprises an interface 24 for inputting business process and/or control point information, and templates 26 for arranging the inputted information in a standard format. Database 32 provides storage for arranged templates 26. Information arranged in a template could include, inter alia: (1) a business process; (2) a set of tests designed to identify risks in the business process; and (3) a set of actions designed to address the identified risks. In addition, once stored in database 32, reviewers and/or auditors 34 could access templates 26. Database 32 may comprise one

or more storage devices, such as a magnetic disk drive or an optical disk drive....”; paragraph

50: “...Templates 26 are forms that allow all pertinent business process and/or control point

information to be arranged in a standard format and stored so that reviewers 28 and/or

auditors 34 can efficiently and accurately access the same...”; paragraph 59: “...each time a

new business process is created or an existing business process is modified, a new review is

conducted and information is arranged in a template. It should be appreciated that the

template shown in FIGS. 2-7 is preferably completed as an electronic document on the

computer system via the interface. However, it should be understood that template could be

completed as a hardcopy and scanned into the computer system via external devices for

storage in the database...”; paragraph 54: “...the business process of paying an invoice could

includes the following steps: (1) an invoice is received; (2) the invoice is forwarded to

accounts payable; (3) payment is approved; (4) a check ordered; and (5) the check is signed

and sent out. It should be understood, however, that this example is illustrative and not

intended to be limiting. For example, the set of steps could include any quantity of steps. In

addition, the business process is preferably provided in the form of a framework such as a

list, design flow chart, or the like...”)

- *a set of business processes describing the operations of the enterprise;* (see at least

  paragraph 36: ...” Business Process--a set of steps followed to perform a business

  function....”; paragraph 55: “...Once the process is provided, any risks therein should be

  identified. Each identified risk represents a control point that should be addressed...”;

  paragraph 56: “...The set of tests and set of actions comprise control point information. Along

  with other pertinent information, this information is arranged in a template 26 and stored in

  database 32...”)

- *at least one processing component in communication with the storage component,* (see at

  least Figure 1, paragraph 47: “...The computer system 10 generally comprises memory 12,

  input/output interfaces 14, a central processing unit (CPU) 16, external devices/resources 18,

bus 20, and database 32. Memory 12 may comprise any known type of data storage and/or transmission media, including magnetic media, optical media, random access memory (RAM), read-only memory (ROM), a data cache, a data object, etc. Moreover, memory 12 may reside at a single physical location, comprising one or more types of data storage, or be distributed across a plurality of physical systems in various forms. CPU 16 may likewise comprise a single processing unit, or be distributed across one or more processing units in one or more locations, e.g., on a client and server..." ; paragraph 49: "...Database 32 provides storage for arranged templates 26. Information arranged in a template could include, inter alia: (1) a business process; (2) a set of tests designed to identify risks in the business process; and (3) a set of actions designed to address the identified risks. In addition, once stored in database 32, reviewers and/or auditors 34 could access templates 26..."; paragraph 52: "...Computer program, software program, program, or software, in the present context mean any expression, in any language, code or notation, of a set of instructions intended to cause a system having an information processing capability to perform a particular function either directly or after either or both of the following: (a) conversion to another language, code or notation; and/or (b) reproduction in a different material form...")

Blocher discloses all of the limitations described above; Lightle discloses the following limitations,

- *a business function compatibility registry for the enterprise*; (see at least page 3, paragraph 15: "...in an enterprise resource planning environment, tasks are linked electronically as part of the integration of all aspects of the organization's business information processing..."; page 2, paragraph 7: "...the consultants provided their own proprietary SOD analysis too..."; paragraph 8: "...the tool contained a matrix showing tasks that should not be combined...adding some conflicts and deleting others based on Mead's control philosophy and business process design...")

- *at least one processing component being configured to:*

- *receive, from an auditor, a selection of a business process from the business process library;*

- *add the selected business process to the set of business processes describing the operations of the enterprise; and*

- *add a business function included in the selected business process and its associated list of incompatible business functions to the business function compatibility registry.*

(see at least page 2, paragraph 8: "…the tool contained a matrix showing tasks that should not be combined…the internal audit staff, with the help of the consultant, customized the software's matrix, adding some conflicts and deleting others…"; paragraph 10: "…the internal audit team reviewed the list and assessed each item…"; paragraph 11: "…they continue to refine the matrix of SOD conflicts …the development of the matrix of SOD conflicts is an ongoing audit operation…."; paragraph 12: "…as tasks evolve and employees come and go, transaction codes may be added and deleted, and user profiles may be created or changed, potentially introducing new conflicts. Mead's auditors plan to update their software periodically and reexamine different user groups on a rotating basis …")

It would have been obvious to one skilled in the art at the time of the invention to combine the system of Blocher with the SOD analysis software of Lightle because the SOD matrix is an efficient tool for ensuring that no single individual inappropriately handles all aspects of a transaction or business process and for identifying of any potential conflicts.

20. Claim 4 is rejected as being unpatentable over Blocher et al., US Patent Application No US 2002/0194059 A1, in view of The Internal Auditor, Segregation of duties in ERP, October 2003., Vol. 60, Iss. 5, pg. 27, Susan S. Lightle, Cynthia Waller Valrio; herein referred to as "Lightle" in further view of Wefers et al., International Publication No WO 2005/055098 A2.

21. With respect to Claim 4,

Blocher and Lightle disclose all of the limitations described above, the combination of Blocher and Lightle does not disclose the following limitations, but Wefers however as shown discloses,

- *the at least one processing component is further configured to run a set of workflow-enabled applications having a set of functions adapted to implement the set of business processes,*(see at least Figure 2, paragraph 128: "…a processor may receive instructions and data from a read-only memory or a random access memory or both…the processor system may execute instructions and one or more memory devices for storing instructions and data…"; paragraph 81: "…once the scope and project and the internal controls for are set up and/or documented for the management of internal controls, workflows may be scheduled and implemented for these internal controls….users in organization may be assigned roles. Each role may have one or more tasks or activities associated with it….workflows are created and scheduled for each user based on their roles…workflows that may be provided by methods and systems of the present invention include an assessment of control design, assessment of control efficiency, assessment of process design, and testing of control effectiveness…")*

It would have been obvious to one skilled in the art at the time of the invention to combine the system of Blocher and the SOD analysis tool of Lightle with the workflows of Wefers because the the workflows are an efficient means for the assessment of an organization's internal controls and could also be used to identify remediation plans associated with the controls.

Blocher, and Lightle disclose all of the limitations described above, Lightle further discloses,

- *such that an assignment of business functions to an employee in the set of employees enables the employee to access corresponding functions in the set of functions that implemented said business functions.* (see at least page 3, paragraph 15: "…an ERP based system electronically segregates duties by assigning user authorizations according to the types of transactions each user can perform, permitting access only to the authorized transactions…")

It would have been obvious to one skilled in the art at the time of the invention to combine the

system of Blocher with the SOD analysis tool of Lightle because the SOD controls would prevent

any individual user from being assigned to conflicting transactions.

22. Claim 14 is rejected as being unpatentable over Blocher et al., US Patent Application No US

2002/0194059 A1, in view of The Internal Auditor, Segregation of duties in ERP, October 2003.,

Vol. 60, Iss. 5, pg. 27, Susan S. Lightle, Cynthia Waller Valrio; herein referred to as "Lightle" in

further view of Flaxer et al., US Patent Application Publication No US 2004/0162741 A1.

23. With respect to Claim 14,

Blocher and Lightle disclose all of the limitations described above. The combination of Blocher

and Lightle does not disclose the following limitations, but Flaxer however as shown discloses,

- *at least one business process in the business process library includes a parent business*

  function and a child business function, (see at least paragraph 301: "…The rules engine 1920

  is both a repository of business rules and a set of programming logic that derives schemas

  and other actions based on event input, context, and the logical application of appropriate

  rules sets. Business processes can be expressed in business rules, which are statements

  that describe and control the processes, operations and strategies of how an enterprise

  conducts its business. For business integration and collaboration, business rules define the

  policies and procedures of inter and intra-enterprise interaction. In the context of business

  process template composition, business rules specify a wide range of knowledge and policy

  including, for example, those that: establish relationships and dependencies among tasks

  leading to the dynamic creation of business process templates, define service provider

  selection, enable coordination among tasks, and reference where data is located…")

  Figure 2, paragraph 82: "…evolution of distributed business processes. The underlying

  paradigm relies on dynamic composition of localized business processes into enterprise wide

business processes based on business rules. The invention uses a service ontology to model basic concepts, terminologies and functionality in different functional domains. As shown in the example in FIG. 1, there is a hierarchy of functional domains in the system: each non-root node 115 and 116 represents a functional domain while the root 110 represents the whole system. In each domain, there is a service ontology 120 and a set of service composition schemas 130 that model business processes (i.e. composite services) in the domain. It is noted that service ontologies 120 are used to define service composition schemas 130, service description, etc …"; paragraph 83: "…the child node inherits the properties of the parent node…")

- *wherein the child business function inherits the list of incompatible business functions associated with the parent business function.* (see at least paragraph 83: "…the child node inherits the properties of the parent node…")

It would have been obvious to one skilled in the art at the time of the invention to combine the system of Blocher and the SOD analysis software of Lightle with the Product Lifecycle Management system of Flaxer it is an efficient tool for ensuring a complete registry of conflicting business processes whereby sub-functions are also included in the database.

Response to Arguments

24. Applicant's arguments with respect to independent claim1 have been considered but are moot in view of the new ground(s) of rejection.

25. Applicant's arguments with respect to dependent claims 3-14 have been considered but are also moot in view of the new ground(s) of rejection.

Conclusion

26. Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **Kimberly L. Evans** whose telephone number is **571.270.3929.** The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **John Weiss** can be reached at **571.272.6812.**

27. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://portal.uspto.gov/external/portal/pair <http://pair-direct.uspto.gov >. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free). Any response to this action should be mailed to: **Commissioner of Patents and Trademarks**, P.O. Box 1450, Alexandria, VA 22313-1450 or faxed to **571-273-8300**. Hand delivered responses should be brought to the **United States Patent and Trademark Office Customer Service Window**: Randolph Building 401 Dulany Street, Alexandria, VA 22314.

/KIMBERLY EVANS/Examiner, Art Unit 3629

February 2, 2009

/John G. Weiss/

Supervisory Patent Examiner, Art Unit 3629